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ABSTRACT

In addition to collecting and analyzing information about progress on desegregation plan implementation, each of the court ordered citizens groups mentioned functions as a "third party" between the defendants (state education departments and local school officials) and the plaintiffs, and among school employees, students, parents, the public, and the judge. Commonalities and differences exist among the monitoring groups in Boston, Dayton, Denver, and Detroit. After the first year of operation in Denver, Detroit, and Boston, changes have been ordered by the judges with respect to mission, membership and funding levels of groups. These modifications have been based on each judge's assessment of the effectiveness of the group, and the kind of citizen help which is required at the particular stage of a school district's implementation. Some of the issues and problems facing court ordered citizens commissions include the following: (1) sustaining the commitment of volunteers, (2) encompassing diverse perspectives, and (3) coping with school systems undergoing change. The success of a court ordered monitoring citizens group relates to: (1) the manner in which the presiding judge initiates and attends to the matters assigned to the citizens group, (2) how the citizens group assumes its responsibility, the clarity with which it understands its mission, and the manner in which it expands its capabilities, (3) the attitudes and degree of cooperation from school officials and school employees, and (4) the reaction of the community to the monitoring commission. (Author/AM)

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COURT MANDATED CITIZEN PARTICIPATION IN SCHOOL DESEGREGATION: MONITORING COMMISSIONS

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Introduction

The American judicial system has always employed the services of citizens as jurors in court proceedings. Indeed, jury service is a required duty of citizens in the United States unlike the voluntary nature of most citizen involvement in other public arenas. Despite the extensive use of juries, the courts would be thought of as one of the least likely sources for promoting citizen participation in civic affairs. Yet since 1968, the courts have been doing precisely that.

Federal district judges, as a part of their desegregation decrees in a number of school districts have ordered that citizens' monitoring committees be established. These monitoring groups are new forms of citizen participation. They are both promising and awesome. Their history to date has not been particularly exemplary, but it is far too early to write them off as either judicial afterthoughts or still another noble intent to incorporate citizen perspectives in educational affairs. Such committees are one way that a few federal district judges have found to obtain citizen assistance in the supervision of their decrees.

This paper is focused on these court ordered groups, the reasons for their creation, their missions, structures, activities, and the problems and issues that arise in the course of their work. Finally, some observations are made which may be useful as similar kinds of groups are organized in other cities.[1]

Citizens, Schools, and the Courts

School desegregation cases are among the most complex to face the judicial system. The judgments affect large numbers of children in the schools and their parents; they affect employees of the school systems, some benefitting,

others faring less well. Changing the way schools operate strains the leaders of educational institutions as well as other government and community leaders.

In addition to the complexity of designing a fair desegregation remedy, judges have been faced with the problems of seeing that their judgments and orders are carried out. Where school systems have been found by the courts to be segregated,[2] school authorities have been ordered to take corrective measures. This leaves the development and implementation of a plan to people who have been found to have segregated the schools in the first place. The courts have retained supervision over the actions of school officials for indefinite periods of time to ensure total district compliance.

Even so, courts have sometimes been stymied in knowing whether proper remedies are being applied or whether additional steps are needed to solve basic, fundamental problems raised in the cases. Furthermore, new issues appear during implementation that were not anticipated earlier, and the courts need to know what those issues are and how they might be approached.

Assistance for the Courts

Citizen Monitoring Commissions

The courts have sought assistance with these problems by the hiring of expert help and by the creation of special citizens bodies. One of the earliest of these was in Dallas. In 1968 Judge Taylor appointed an interracial council to work with the Dallas Independent School District on problems of desegregation and integration. In 1970, bi-racial citizens committees were ordered to be established by the courts for the purpose of reporting on the transition from dual to unitary school systems in southern states. Committees in Bessemer, Alabama and Jackson, Mississippi were established and ordered to report directly to the courts.[3]

More recently judges in Dayton, Denver, Detroit, and Boston have issued orders creating "monitoring bodies". In each instance the judge established

the mission of the citizens group, the general structure of its organization, the number of members, and who they were to be. The judges decided too, how and by whom the groups were to be funded.

The titles given to each citizens group differ. Some incorporate the word "monitoring" in their names; others are titled "advisory". In the context used by the courts, monitoring can be defined as "watching, observing, or checking for a special purpose". Regardless of their titles, each group has been given the responsibility for reporting to the presiding judge on the extent and quality of the school system's efforts to comply with the court. The judge is then able to assess whether remedies are being applied, how well they are working and whether additional remedies must be ordered.

In addition to collecting and analyzing information about progress on desegregation plan implementation, each of the citizens groups functions as a "third party" between the defendants (state education departments and local school officials) and the plaintiffs, and among school employees, students, parents, the general public, and the judge.

The membership of the citizens group usually includes a broad spectrum--business and labor leaders, professionals from many fields, technical "experts", community leaders, and members of the general public. The groups have varied in size, but all sought to have some diversity of opinion among the membership and to have some claim to be representative of the community at large.

Other Court Ordered Citizen Participation

Several court orders have gone beyond the creation of a single city wide citizens committee. Citizens advisory groups have been ordered at the school building level, the regional and city levels as permanent advisory bodies to school officials. In Detroit, the court monitoring commission was ordered by Judge DeMascio to help set up a city wide school-community council; local school building committees were to be appointed by principals. These were to

be established for the 1976-77 school year, but have not taken effect yet across the city. In the Detroit plan, the building level groups were to collect information and pass it along to the regional groups, which then were to report to a city wide group. The latter in turn was to report to the Court Monitoring Commission.

Boston has organized bi-racial community councils at the school building and district levels which have begun to assume more responsibility in the current year. In 1976 in St. Louis, an appellate court suggested to the presiding federal district judge that a bi-racial citizens committee should be formed to assist in effective desegregation of that city's schools.[4]

Structure & Functions

Commonalities and differences exist among the monitoring groups in Boston, Dayton, Denver, and Detroit. The cities differ, the judges differ, and the interpretations of need in four situations differ. After the first year of operation in Denver, Detroit, and Boston, changes have been ordered by the judges with respect to mission, membership and funding levels. These modifications have been based on each judge's assessment of the effectiveness of the group, and the kind of citizen help which is required at the particular stage of a school district's implementation.

Detroit, Michigan

In a Memorandum of Opinion, August 15, 1975, Judge Robert E. DeMascio stated that monitoring was "an essential part of a sincere desegregation effort". The Memorandum provided for a court appointed Monitoring Commission to audit efforts made to implement the court's desegregation order.[5]

The State Superintendent of Public Instruction was requested to file a proposed monitoring plan. The first version of the state's plan did not meet the court's expectations because "instead of sufficiently providing for broad citizen participation responsive only to the court, it provided that the Detroit

Board of Education establish various committees" to provide input for study and analysis by a small commission. A revised plan was then submitted by the State Superintendent which was accepted by the court. It provided for a 55 member commission reflecting the city's ethnic and racial composition. It included members of civic groups, labor, government, business and industry, education and lay citizens. The judge selected the fourteen members of the Executive Committee, and the additional members were appointed by the Executive Committee with the consent of the court.

In addition to provisions for professional staff, the judge appointed a technical advisory committee of professors from the state colleges and universities. They were to assist the commission without compensation. Currently, the technical advisors no longer comprise a committee. Each individual works with a sub-committee of the commission. The Detroit monitoring group is described below:

Name:	UNITED STATES DISTRICT COURT MONITORING COMMISSION
Sponsor:	Judge Robert E. DeMascio, U.S. District Court
Terms:	October 1975 for an indefinite term
Mission:	TO OVERSEE AND REPORT TO THE DISTRICT COURT JUDGE ON THE PROGRESS OF THE DETROIT DESEGREGATION PLAN
Funding:	1975 - 76: $ 58,000 1976 - 77: $200,000 Funds, staff, facilities provided by Michigan State Department of Public Instruction by order of court
Membership:	Year 1: 55 Year 2: 87
Staffing:	Executive Director Educational Consultants (2) Monitoring Coordinator Education Technician Clerical Staff (3) Volunteer Monitors (Each receives $5 per diem for expenses)
Responsibilities:	Develop a design for a monitoring system Recruit, train, assign monitors to schools Develop criteria to evaluate implementation of desegregation activities Receive/review information from community groups at regional level and junior high school areas

Organization/ Structure:	Chairperson (1) Executive Committee (14) Technical Advisory Committee (10) Sub-Committees: Agreements Bi-lingual and Multi-ethnic Co-curricular Counseling and Career Guidance In-service Training Reading School Community Relations Student Code of Conduct Testing Transportation Vocational Education Regionalization
Report Procedures:	Sub-committees report to executive committee Executive committee reports directly to court and makes recommendations to court

Boston, Massachusetts

In the fall of 1974 admidst continuing litigation, the Boston Public Schools opened under Phase I of the desegregation plan. Serious public disorders hindered implementation throughout the school year. On June 5, 1975, Federal District Judge W. Arthur Garrity endorsed plans forwarded by four court appointed Masters regarding citizen participation.

> The court adopts with some modifications the master's recommendations for the establishment of a Citywide Coordinating Council with responsibility for monitoring implementation of the court's desegregation orders, and for community District Advisory Councils that provide a structure for community participation. The court has related to these new groups the racial-ethnic councils of parents and students citywide and at each impacted school which were established by orders entered in 1974.
>
> On October 4, 1974 the court issued an order...establishing racial-ethnic parent and student councils ("RPC's and RSCs") at many schools, to deal with racial tensions and problems at the individual school level. A citywide parents' advisory council ("CPAC") was established to coordinate activities and disseminate information among school RPCs.

> ...The court also adopts the masters' recommendation for the establishment of district advisory councils. Each district council will have a membership of ten parents, out of a maximum of twenty members. The size of the council can vary to include representatives of community groups and other agencies active in public school education in the particular district...the plan provides that parent and student district council members be selected by members of RPCs and RSCs...[6]

The judge had asked the United States Community Relations Service[7] to prepare a report in 1974 on the structure, function, and success of the court-appointed citizens' committee in Denver and several other cities. Based on such information as it could acquire, the Community Relations Service developed a design from which the court established the City Wide Coordinating Council (CCC). Throughout the CCC's development and during its operation the Community Relations Service has continued to serve as technical adviser to the judge and the citizens group.

In its first year, the work of the CCC was directed basically to the problems anticipated with the opening of schools in September 1975. The CCC was composed of a racial/ethnic cross section of the community with business, labor, education, government, and civic representation. It was to assist the court, the school committee (board of education), school personnel, students, parents, and others to recognize and resolve problems faced in desegregation. The group was also to study the short and long term effects of school desegregation. One of the CCC's earliest tasks was to set up a monitoring system to audit the progress of desegregation activities in the school system. The CCC was given the task, too, of planning and overseeing the establishment of the community councils.

After its first year of operation, the CCC underwent some major alterations in its responsibilities and membership. In August, 1976, Judge Garrity issued an order and accompanying memorandum reorganizing the CCC "to expedite implementation of the student Desegregation Plan for the Boston Public School System".

The judge cited several reasons for the modifications: changes in the circumstances in the desegregation case; the growth and assumption of more duties by the Community District Advisory Councils and the Citywide Parents' Advisory Council, and the transitional status of the CCC.[8]

A completely new slate of members was named to the CCC for 1976-77. The membership was reduced from 42 to 15; a new chairperson was appointed; and the staff and funding levels were reduced in keeping with the more limited responsibilities of the CCC. The structures and functions of the CCC for both years of operation are shown in the outline below:

Name: CITY WIDE COORDINATING COMMITTEE (CCC)

Sponsor: Judge W. Arthur Garrity, Jr., U.S. District Court

Term:
Year 1: August 24, 1975 - June 30, 1976
Year 2: August 24, 1976 - July 31, 1977

Mission:
TO FOSTER PUBLIC AWARENESS AND INVOLVEMENT IN THE PROCESS OF IMPLEMENTATION OF THE COURT'S DESEGREGATION ORDERS.
TO BE THE PRIMARY BODY MONITORING IMPLEMENTATION ON BEHALF OF THE COURT

Funding:
1975 - 76: $220,000
1976 - 77: $100,000

Membership:
Year 1: 42
Year 2: 15
Members selected and appointed by judge

Organization/ Structure:

Year 1	Year 2
Chairperson (1)	Chairperson (1)
Executive Committee	
Sub-committees:	Sub-committees:
Public Information	Community Liaison
Monitoring	District Councils Liaison
Community Liaison	
District Council Liaison	
Education Programs	

Staffing:

Year 1	Year 2
Executive Director	Executive Director
Deputy Director	Associate Director (liaison with school department and court
Administrative Assistant	Associate Director (for monitoring)
Monitoring Coordinator	Clerical Staff (4)
Citywide District Advisory Councils Coordinator	
Public Information Coordinator	
Public Safety and Transportation Coordinator	
Community Relations Coordinator	
Bi-lingual Program Coordinator	
Court Liaison	
Clerical Staff (2)	

Responsibilities:

Year 1

Monitor court orders focusing on desegregation matters of city wide nature
Serve as an information clearinghouse
Support and assist those groups and individuals involved in the desegregation case
Supervise, coordinate, and provide guidance to the Community District Advisory Councils

Year 2

Relate to non-school citizen groups and agencies
Relate to court ordered Community District Advisory Councils (CCC does not have specific monitoring responsibilities. Monitors work through District Advisory Councils and central office of school system)

Reporting Procedures: Report to the court quarterly

Denver, Colorado

The Community Education Council (CEC) was selected and appointed by U.S. District Court Judge William E. Doyle on April 30, 1974, pursuant to his decree of April 8, 1974, requiring the desegregation of the Denver Public Schools. In the early days, the Council organized itself, elected officers, and appointed standing committees. Members planned to take full responsibility for the work of the group, including monitoring, report writing, meetings, hearings, and the like. They did not plan to employ staff. Consequently a large budget was not called for, and the local school district supplied support needed for a part-

time secretary, supplies, and printing. The Council is housed presently in a school district facility.

During its first two years, the CEC was embroiled in controversy. It was an outspoken reporter of the progress of desegregation in Denver, and it was severely criticized by school officials. During its second year, membership was increased, and in the third year a new chairperson assumed the CEC leadership.

Monitoring of the schools remains a major function of the CEC. In Denver members coordinate monitoring efforts and assign volunteers monitoring duties at the schools. CEC members have been encouraged by the judge to become monitors themselves. During the current year, CEC is emphasizing direct work with the school administrators, hoping to resolve problems before reports and recommendations for changes go to the parties and the court.

Judge Richard Matsch has replaced Judge Doyle on the Denver case. In July, 1976, he ordered the CEC continued for the school year. His order contains this statement:

> Although the Community Education Council is not a party to the action, the court recognizes the desire of the Community Education Council to have their suggestions regarding changes in the orders considered by the parties, and the Council is encouraged to submit such changes to the parties. Requests for changes, if any, that may be necessary under the decree, must be presented to the Court through appropriate pleadings by the parties hereto.[9]

The structure and functions of the CEC (as they have been modified) follow:

Name:	<u>THE COMMUNITY EDUCATION COUNCIL (CEC)</u>
Sponsor:	Judge William E. Doyle, U.S. District Court (1974) Judge Richard P. Matsch, U.S. District Court (1976)
Terms:	April 30, 1974 - through the 1976-77 school year
Mission:	TO COORDINATE THE IMPLEMENTATION OF THE DESEGREGATION PLAN: TO EDUCATE THE COMMUNITY AS TO THE COURT'S FINDINGS AND ABOUT SCHOOL DISTRICT SERVICES AND FACILITIES: TO RECEIVE AND CONSIDER COMMENTS AND CRITICISMS AND REPORT RESULTS OF REMEDIAL ACTION TO THE COURTS: GENERALLY REPORT AND MONITOR PROGRESS TO THE COURT

Funding: Denver school system provides funds for clerical support, office supplies and printing

Membership:
1974: 46
1975: 64
1976: 64
Members selected and appointed by judge
Includes students

Staffing: Part-time secretary

Organization/ Structure:

Year 1

Chairperson (1)
Executive Committee (9)
Task Forces:
- Monitoring
- Transportation
- Public Education & Information
- Bi-lingual & Bi-cultural
- Affirmative Action

Year 2

Chairperson (1)
Executive Committee (5)
Task Forces:
- Monitoring
- Transportation
- School District Liaison
- Bi-lingual & Bi-cultural
- Community Agency Coordination

Year 3

Task Forces: Monitoring
Public Education & Information

Responsibilities:

Year 1 & 2: (See listing under "Mission")

Year 3:
Coordination of the efforts of community agencies and interested persons in the implementation of the court's orders
Education of the community as to the court's orders
Monitor observations in the schools of the School District
Preparation of and submission of reports to the court and the parties
Meet with parties on a regular basis for an orderly exchange of information and ideas with respect to continued implementation of the court's orders
Develop a speaker's bureau and provide assistance to community groups about programs within Denver schools
Submit suggestions for changes in the orders to the parties

Reporting Procedures:
Year 1: Reported bi-monthly to judge and the parties
Year 3: Report quarterly to judge and the parties
Supplemental reports as needed from time-to-time

Dayton, Ohio

Judge Carl B. Rubin of the United States District Court handed down a desegregation decree for Dayton on December 29, 1975. Part III of the decree stated, "The parties are in agreement that a citizens board should be appointed to monitor the (desegregation) plan as ultimately adopted and to insure that it

functions in accordance with the order of this court. Such a board composed of representative citizens of the community will be appointed for a period not to exceed three years. The court will reserve the right to extend or to terminate the services of such board should such prove advisable."

On January 13, 1976, Judge Rubin appointed the Community Relations Service "to provide assistance to the citizens of Dayton and to the parties involved in this litigation in resolving dispute, disagreements or difficulties that may arise in the implementation of the desegregation plan." Services of the Community Relations Service were to be directed toward providing organizational and technical assistance in the establishment and functioning of the citizen monitoring committee which the court appointed on February 12, 1976.[10]

Members of the new group, the Dayton Citizens Advisory Board (DCAB) were drawn from community agencies, institutions, and groups. Originally the judge appointed 55 individuals including the chairperson. Shortly thereafter, he added four students (2 black and 2 white) to the group.

The DCAB began by organizing itself with an executive committee and five sub-committees. The executive committee consists of the two co-chairpersons of each sub-committee and the chairman of DCAB. The school district was ordered to provide space, secretarial and clerical help, and to make available any information needed by DCAB. No specific funds were allocated to DCAB for its work, although the court ordered that it was to be reimbursed for its out-of-pocket costs. These costs were to be taxed as court costs payable by the defendants. To date, there has been no taxing of the school district, and the state has not been ordered to provide monies for DCAB work. Community donors have provided resources for DCAB and other groups working on desegregation problems when needed. Primarily these resources have taken the form of in-kind services from business and industry. The Community Relations Service has provided consultants to the total community effort as have other sources. Many of these consultants have worked with DCAB committees.

The citizens group, working with the Community Relations Service has made a number of efforts to orient its members to their role(s) in the desegregation activities. Three formal training sessions were held on monitoring, and a consultant from Denver was invited to describe how the Denver Community Education Council had gone about its monitoring activities.

Among its responsibilities, the DCAB was to provide "other services as the court assigned them from time to time." One of the reports to the judge contained an observation about the need for training of school employees for the effective implementation of the desegregation plan. The judge issued an order to the Dayton Board of Education requiring it to design, develop, and implement a continuing program of in-service training for all certified and non-certified personnel including supervisors, teachers, and staffs.

Working relationships have been established between the citizens advisory board and the school system through joint efforts. For example, each DCAB sub-committee has an Assistant Superintendent as liaison with the school system. This arrangement serves to encourage the resolution of problems at the school level. When a problem is identified in a school, the principal (who is provided with monitor's reports) can try to solve it if he or she wishes to. If this is not the case, the problem may reach the court through the DCAB with a strong recommendation for its resolution.

The effort in Dayton has emphasized a coalescence of community interests toward carrying out the orders of the court. Dayton has studied carefully the events the other cities under similar court orders. The obstacles and disturbances elsewhere have been used as an object lesson to highlight the need in Dayton to respond in improved ways to the desegregation order.

The structure and function of the Citizens' Advisory Board in its first year of operation are outlined on the following page.

Name:	DAYTON CITIZENS ADVISORY BOARD (DCAB)
Sponsor:	Judge Carl B. Rubin, U.S. District Court
Term:	February 12, 1976 - not to exceed three years
Mission:	TO MONITOR THE DESEGREGATION PLAN
Funding	No specific funds. Defendants must provide space, secretarial and clerical assistance as needed. Needed resources have been supplied from community
Membership:	59 members (including four students) Appointed by judge
Staffing:	No regularly employed staff. Consultants provided upon request of DCAB by Community Relations Service and other sources. Part-time secretarial services provided as in-kind contributions
Organization Structure	Chairperson (1) Executive Committee (11) Sub-committees: Monitoring Community Relations School Relations Safety and Transportation Student Realtions
Responsibilities:	To coordinate the efforts of all community agencies and interested persons in implementing the court's desegregation plan To provide community education as to the requirements of the desegregation plan regarding transportation, services and facilities Receive comments, criticisms, and suggestions of community regarding execution of the plan; assist the community in working out problems with the school administration, and report to the court as to the nature and resolution of such problems Provide a system of monitoring the desegregation plan on a continuing basis and suggest changes when they appear to be advisable Report periodically to the court and to the parties on the execution and implementation of the plan Provide other services as the court assigns them from time-to time
Reporting:	The sub-committees report to the executive committee; The chairperson reports from the executive committee to the court, as needed

Issues and Problems

Many of the issues and problems facing court ordered citizens commissions are similar to those of other citizens groups and should be viewed in that

general context. Some of those issues are:

1. Sustaining the commitment of volunteers
2. Encompassing diverse perspectives
3. Coping with school systems undergoing change
4. Relating to traditional school governance and interest groups
5. Understanding the role of citizer advisory groups
6. Developing leadership
7. Staffing
8. Public understanding of the monitoring function

Sustaining the Commitment of Volunteers

Most citizen groups are comprised of volunteers, persons who are willing to contribute their time, energies, skills, and interests to a cause. At the outset, when the members convene around a general mission, enthusiasm runs high. As the specifics of the work agenda emerge, and the problems to be solved appear terribly difficult, members vary in their level of commitment, indeed at times contemplate whether to remain with the group.

Encompassing Diverse Perspectives

The values of heterogeneity in a citizens group are usually recognized and endorsed. Broader perspectives can be obtained and general citizen support can be solicited when needed by the group. But when heterogeneity is based on representativeness, the concerns of individuals for a particular group or idea can overshadow the general purposes for which the group was organized. It is not uncommon for new groups to spend inordinate amounts of time on problems of their own internal organization, funding membership, staffing, and the roles and responsibilities of members. The selection of priorities is often a slow, tedious undertaking which continually tests the group's cohesiveness and solidarity.

Several of the monitoring groups have members representative of a wide spectrum of thought on desegregation, perhaps even on the efficacy of desegregation itself. Some members have been unable to relinquish their advocacy roles, and have become divisive forces. Court monitoring groups seem to move so slowly, and sometimes it becomes known that they are engaged in internal struggles. Both create a lack of public confidence in their efficacy. While some of these same attitudes

prevail towards other kinds of citizens groups, the high visibility of the court ordered group causes its travails to become interesting news.

Coping With School Systems Undergoing Change

The nature of large educational systems, their hierarchical structure, their legal responsibilities and constraints, their problems of obtaining, allocating, and dispersing funds, their programs, and their accountability are matters with which some citizens are familiar. But school systems are complex; they are not weak, nor vulnerable, nor easily accessed by outsiders; they have well developed protective coatings. In recent years some systems have become more responsive to citizen demands in part because of the requirements of federal and state funds.

The natural instincts and experiences of citizens groups do not always include, however, insights into how school systems are changed, especially in regard to desegregation and integration. They are poorly informed about the way schools operate, what data is available, and the substance of curricular offerings. Without knowledgeable external monitoring and reporting, a school system may make changes that are cosmetic without ever getting at the root causes of its problems.

Relating to Traditional School Governance and Interest Groups

Court mandated groups have a fixed responsibility to the courts. However, their tasks may require that they establish working relationships with the schools and community, which makes them advisors to both. The intervention of the courts into the administration and governance of schools has altered traditional patterns of authority. Prior to the court's intervention, the lines of authority and the legal boundaries between local districts and state education departments were relatively clear. Each party understood the responsibilities of the other.[11]

Court decisions, and their accompanying orders, however, have interjected the United States District Courts into the existing relationships creating a

triad. To some, these events mean that there is a new partner in the governance and administration of schools. To others, the new party implies a master/servant relationship with the courts as master and the education divisions of government as servants. However perceived, it is clear that the courts are now participants in the governance of schools in those districts where desegregation is required.

Clouding relationships and responsibilities even further are existing quasi official citizen bodies. In Detroit, for example, an Education Task Force was appointed by the Detroit Board of Education in 1972 as a problem solving group. The Task Force was charged with making recommendations to the Board for improving the school system. Several years later, but overlapping with the Task Force, a District Court judge created a citizens monitoring commission and directed it to oversee the implementation of his desegregation orders, and to report directly to him as presiding judge. In the Detroit desegregation case, the United States District Court, the Detroit Public Schools, the Michigan State Department of Public Instruction, the Detroit Education Task Force, and the United States District Court Monitoring Commission all were enmeshed in a combination of observations, evaluations, policy making, and administrative decision making. In such a complex setting, relationships can become muddled and confused leading to even greater problems of accountability for educational outcomes.

All cities have established organizations that have been working on educational matters for years. Sometimes such groups are reluctant to accept the court ordered newcomer, especially when it is well funded, well publicized, and in many ways naive about the nature, size, and scope of the problems its members are about to face. The established, long term organizations and agencies not only have more information at hand, they are also very familiar with the "system". To add insult to injury, their members are often disregarded by the courts as candidates for the monitoring committees. To be ignored is an affront especially when the monitoring body becomes a publicly recognized elite group in

the city's social, economic, and political milieu.

Understanding the Commission's Role and Its Relation to the Judge

The uncertainty of some groups about their mission has been evident in the actions they have chosen to take. Some were caught up initially in advising the judge rather than giving first priority to monitoring and reporting. Some have become "fire-fighters", trying to solve daily crises in cities where busing has just begun. Without skill and experience in mediation and arbitration between two adversaries, some committee members nevertheless assumed that role. When citizen monitoring groups begin to work at their basic responsibilities (recruiting, training, and assigning of monitors, and setting up information systems for the community) their success and usefulness to the courts and the communities has become clearer.

The relationship between the appointing judge and the court mandated group raises several issues and problems. It is important for the entire body of the monitoring commission to know directly from the judge how their work is to be accepted. Feedback from the judge with respect to the group's work and its recommendations has been in several cases, irregular, limited, or non-existent.

To illustrate, one judge established the practice of having lunch with certain members of the monitoring body from time to time. Those members then reported back to the others and to the staff their own perceptions of what the judge really wanted the group to do. Some members became uncertain, the staff was perplexed, and the work program faltered. Another judge had never met with the entire body or its executive committee, and only on some occasions had he responded to reports sent to him. The absence of direct reaction from the court (provided in a systematic fashion) has contributed to the slow pace and less than effective work of those citizen groups.

Developing Leadership

A strong chairperson is required in each case to clarify staff and member's roles, and to keep the work of the group moving forward. This has not always

occurred. Staff members have found themselves perplexed and strained by having to serve several masters. In some instances staff members were requested to perform certain tasks by the judges. They did so to the annoyance--even anger--of the members of the monitoring commissions.

Professional Staff

As noted earlier, volunteers are part time workers. The responsibilities assigned to citizen members of the monitoring groups are heavy; the scope of work is extensive; and the arrangements for carrying out their work are often less than ideal. Monitoring tasks require day after day, week after week focused attention. Strigent time commitments are necessary. Coordination of hundreds of work details is a constant need.

A monitoring committee requires full time staff and strong clerical support. The staff director generally serves as the principal administrative officer, managing the office and the committee's funds. Beyond that the director must share with the chairpersons the tasks of designing the policies and practices of the group. Together they fashion a general plan for the work of the commission. A critically important function of the director is to develop and maintain liaison with school officials, the community, and the media about the work of the group. The director must locate and give guidance to consultants who work for the citizens group, and must supervise and often write reports, memoranda, agendas, and guidelines for the commission.

Public Understanding of the Monitoring Function

One of the major hurdles to overcome for court ordered groups is to achieve public understanding of their roles. It is not difficult to understand why the public may be confused since the members themselves have difficulty in clarifying their responsibilities. Nevertheless, the public deserves to know and be informed about the monitoring group's progress.

Conclusion

The courts are issuing orders affecting the policy making and administrative

practices of schools. Judges have called into question and overuled the decision making power of local school boards. Consequently the creation of citizens committees to advise and monitor, in a sense, returns some participatory power and influence to the community. The citizens group can serve as a leavening agent, helping to deemphasize the autocracy of the courts. Rather than perceiving the schools solely as a "ward of the court" the community can feel that it still has some ownership of the public schools, that the court serves as a legal mechanism in a time of crisis to protect and assist the clients of the schools, or at least that the traditional concept of lay control of schools has not been superceded entirely by the judiciary.

A fiat from the court may assure compliance. But in desegregation cases which affect so many people's deeply held beliefs, their children, and their pocketbooks, it is reasonable to expect compliance only at a minimally acceptable level. Citizens, however, who become involved with the issues, problems, and benefits derived from desegregation/integration orders are likely to become the most effective spokespersons and supporters for peaceful and educationally sound efforts to comply with the law. Organizing a wide spectrum of citizens into a service-oriented collectivity is an old idea. It has serviced many purposes before and in today's environment, the citizens' group may be the most promising technique to enable educational institutions to respond adequately to their clients and to the mandates of the courts.

The citizens advisory councils (parents, students, business people--bi-racial and multi-ethnic) which have been ordered to be established at the school, regional, and district wide level to work with school personnel are of great significance. The judges have not themselves created and populated these groups. That responsibility has been assigned to others. It is these groups, if effectively organized and maintained, that have the potential for changing the nature, scope, and depth of citizen participation in education over the coming decades. The neighborhood and district groups are more than

likely here to stay even though the court ordered monitoring groups which are helping them are temporary. As such the neighborhood groups will create challenges and opportunities for the school officials who are required by law to work with the citizen councils.

Any potentially powerful force can be disabled or distorted And so it is with citizens groups, even those buttressed with the power and authority of the highest courts in the land. Court ordered monitoring groups can become--and some have in their first year--expensive, time consuming, and troublesome. This has been disheartening to those who support the efficacy of expanded citizen participation in educational decision making. Increasing the numbers of those involved must be accompanied by the development of new capabilities for problem solving among those who serve. In general the success of a court ordered monitoring citizens group relates to: (1) the manner in which the presiding judge initiates and attends to the matters assigned to the citizens group; (2) how the citizens group assumes its responsibility, the clarity with which it understands its mission, and the manner in which it expands its capabilities; (3) the attitudes and degree of cooperation from school officials and school employees; and (4) the responses of the community to the monitoring commission.

The judge's role and direction is critical to the effectiveness of the citizen group. The judge should be absolutely clear in his delineation of the group's mission and the responsibilities he expects them to undertake. Accompanying these must be a realistic estimate of what such a group can be expected to accomplish in a given time. The judge's appointments to the group should be made on the basis of the work to be accomplished, with calculated emphasis on the selection of strong, active leaders for the body. As the work of the commission progresses and reports are submitted to the judge, a regularized communication system should be in place to assure the exchange of accurate, current data. Generally, this is undertaken most effectively by the chairperson and the professional staff in face to face meetings with the judge.

The role and responsibilities of a citizens monitoring commission must be clearly understood and accepted by its membership. First, the role calls for the members of the court appointed group to each accept the judge's decision and to make a personal commitment to the purposes for which the group was named. Their responsibility requires that they understand the exact nature of their appointment, their opportunities, and their limits. It is the task of the group to identify and initiate relationships needed with other sectors of the city including school personnel, community agencies, and organizations involved in educational matters.

Monitoring committee relationships are critical, both member/member and member/staff roles. A group's effectiveness will relate to its ability to recruit talented professional staff and its ability to establish good working relationships with staff that may be assigned by the court. Here, too, the same principles hold. The extent to which authority and responsibility for specific tasks are carefully thought out and allocated will be reflected in the effectiveness of staff and members. How, for instance, does the professional staff of the citizens group relate to the judge? To the school department? To the members at large, and to the group's chairperson?

As noted earlier, the complex nature of a large school system and its insulation acquired over the years make the work of the monitoring group far from simple. It is essential then that the citizens committee understand the nature of school systems, learn continually about educational issues, devote considerable time to the citizens group's mission, and maintain its effort over time to become effective.

As the members of the citizens monitoring group learn more about the institutions they are to assist, they develop a better sense of what is achievable. It leads, too, to understanding the need for collaboration among diverse elements of the population, across the institutions of the community, and among the local, state, and federal governmental agencies. The members

develop techniques that allow the group to work across the community interstices to support and achieve quality integrated schools.[12] But the maturation process takes time. It does not come easily. As both members and their staffs learn more, their priorities and strategies for achieving their goals are usually modified. Frustrations mount rapidly, particularly for staffers who are responsible for data collection, analysis, preparation of reports and a myriad of administrative details as well as the human relations problems of working closely with as many as one hundred citizen members. Because they are unlikely to receive the rewards that are traditional in more stable organizations, staff members for citizens groups must have large amounts of sensitivity, understanding, patience, doggedness, and devotion to the cause. And these qualities must be supported by excellent technical skills.

The attitude of school officials can influence the effectivenss of a citizens monitoring group. It is doubtful that school officials could destroy a monitoring committee's work by withholding cooperation or information, since this would undoubtedly bring severe censure from the court and/or the community. School officials can, however, attempt to blunt a citizens effort in subtle ways such as making it difficult for monitors to gain access to schools or by establishing labyrinthian procedures through which the monitoring commission obtains reports and data necessary for their work. It is obvious that a school system can assist a monitoring commission and in the long run accomplish the requirements of the court more easily by collaborating with the court ordered groups.

In a paper describing citizen problem solving task forces, it is observed that third parties are invoked when established institutions are thought to be failing:

> Admission of failure on the part of a school board, superintendent, mayor or city council is difficult and it is only in extreme circumstances that public officials will accept help from the community. It is unfortunate that accepting help is attached to evidence of weakness. It need not be so. In fact the reverse may be true. It may be that enlightened able public officials

> are those who enlist the community in a concerted effort to solve problems. The accountability for finding answers to broad complicated public problems spreads across the public landscape.[13]

Monitoring commissions generally are comprised of leaders, experts in many fields, people with a sense of community service, who have much to contribute to the efforts of school officials as the latter seek to obey the court's mandates.

The community must understand the role and responsibilities of the court ordered citizens monitoring commission. The responsibility for achieving such understanding cannot be assigned to the community at large. The citizens group needs to disseminate information about iself. It is critical too that the citizens group conduct its activities in a manner that is consistent with its stated role. Relationships with the media, the content and calendar for reporting to the judge, to the school officials, and to the community cannot just be allowed to develop naturally. Citizen groups have to plan their approaches carefully and carry them out systematically.

Summary

Monitoring committees are an emergent and potentially useful new form of citizen participation in education.

From the perspective of school officials they might be viewed as another interference in the governing and managing of schools. Hopefully this will not be the prevailing sentiment because the involvement of committees of this sort can be an asset to school boards and superintendents. The committee can put citizens' views into the court's deliberations in ways that are not achievable now.

From the perspective of the citizenry, the committee provides an important linkage to the courts. The austerity and remoteness surrounding the judicial process can be reduced. Monitoring committees allow still another set of community influentials to become better informed about the issues of desegrega-

tion and education. Any increase in the number of thoughtful people who really have penetrated the complexity of these issues is in the public interest.

FOOTNOTES

1. The material presented here is based on interviews with members and staffs of monitoring commissions, with members of the Community Relations Service of the United States Department of Justice, with observers in several of the cities. Documents have been examined and studied which include reports and plans of monitoring groups, reports of the defendants, media releases and reports, and the court orders and memoranda issued by each judge in the cities that are described.

2. Nearly 400 actions have been taken against local school districts since 1954. These are about evenly divided between court decisions and directives of the United States Department of Health, Education, and Welfare. After appellate processes within the courts and due process procedures with H.E.W. have been exhausted only about ten school districts of the four hundred have been found innocent of the charges brought against them. These data are drawn from a speech delivered by Dr. Rachel Tompkins, of the Citizens' Council for Ohio Schools, on October 12, 1976, Columbus, Ohio.

3. Establishment of bi-racial advisory committees were ordered in (1) Brown v. Board of Education of City of Bessemer, US Ct. Ap., Fifth Circuit, August 28, 1970 and (2) Singleton v. Jackson Municipal School District, US Ct. of Ap., Fifth Circuit, May 5, 1970.

4. This suggestion is embodied in the U.S. Court of Appeals (8th Circuit) decision in Liddell v. Board of Education of the City of St. Louis in December, 1976. The decision itself merely ruled upon the right of the NAACP to intervene in the St. Louis desegregation case. To date, Judge Meredith of the U.S. District Court who issued a consent decree in the St. Louis desegregation case has not accepted the appellate suggestion to name a monitoring commission.

5. Bradley v. Milliken, US District Court, Eastern District of Michigan, Memorandum Opinion, August 15, 1975, p. 118.

6. Morgan v. Kerrigan, US District Court, District of Massachusetts, Memorandum of Decision and Remedial Orders, June 5, 1976.

7. The United States Department of Justice Community Relations Service (CRS) was created by Congress to help communities deal with inter-racial disputes and difficulties. One of its functions is to serve as technical advisor (when invited) to the courts, other governmental bodies, and citizens. CRS has been working in many cities that are under desegregation orders either from the courts or from the United States Department of Health, Education, and Welfare.

8. For a clear and detailed explanation of the changes in the City Wide Coordinating Committee, see Morgan v. McDonough, US District Court, District of Massachusetts, Memorandum and Orders As To Citizen Participation, August 24, 1976.

9. Keyes v. School District No. 1, Denver, Colorado, US District Court, District of Colorado, Order, July 13, 1976.

10. Brinkman v. Gilligan, US District Court, Southern District of Ohio, Western Division, December 29, 1975. Orders to carry out Parts II and III followed on January 13, February 12, and March 22, 1976.

11. For a discussion which rejects the concept of courts as educational policy makers, see Raphael O. Nystrand and W. Frederick Staub, "The Courts as Educational Policy Makers," in The Law and Education, ed. by Clifford Hooker, The Seventy-seventh Yearbook of the National Society for the Study of Education. (Chicago: University of Chicago Press, 1978). Forthcoming.

12. Luvern L. Cunningham, "New Forms of Involving Citizens in Educational Systems," The Delivery of Urban Services, ed. by Elinor Ostrom (Beverly Hills: Sage Publications, 1976.)

13. For a more detailed discussion of citizen problems solving efforts, see "Third Parties as Problem Solvers," Communities and Their Schools, Institute for Development of Educational Activities, Inc., Charles F. Kettering Foundation, Dayton, Ohio. In progress.

SOURCES FOR FURTHER INFORMATION ON COURT ORDERED MONITORING

Boston:

Boston City Wide Coordinating Committee
31 Milk Street
Boston, Massachusetts (617) 426-2450

Chairperson: Robert Wood, President, University of Massachusetts
Director: James Breedon

Community Relations Service
100 Summer St., Room 1920
Boston, Massachusetts (617) 223-5170

Regional Director: Martin Walsh
Education Specialist: Ms. Silke Hansen

Dayton:

Dayton Citizens Advisory Board
Wright State University
3640 Colonel Glenn Highway
Dayton, Ohio 45431 (513) 873-2313

Chairperson: Robert J. Kegerreis, President, Wright State University

Community Relations Service
U.S. Department of Justice
New Federal Building
U.S. Courthouse - Room 203
Dayton, Ohio 45402 (513) 225-2524

Director of Operations: Ms. Tommie C. Jones

Denver:

The Community Education Council
Bryant St. Building - Room 217
2525 W. 6th Avenue
Denver, Colorado 80204 (303) 623-5279

Chairperson: Ms. Jean Bain, Member
Colorado State Legislature Higher Education Committee
(former member of State Legislature)

Detroit:

United States District Court Monitoring Commission
1008 Federal Building
Detroit, Michigan 48226 (313) 226-6363

Chairperson: William Wattenberg, Professor, Wayne State University
Director: Kenneth Harris

Community Relations Service
608 Federal Building
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